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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,924	10/11/2005	Hans-Guenter Benner	05129671	1862

26565 7590 10/10/2006

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EXAMINER

BELLAMY, TAMIKO D

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/552,924	Applicant(s) BENNER ET AL.	
	Examiner Tamiko D. Bellamy	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/1105</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to this action.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 5 rejected under 35 U.S.C. 102(b) as being anticipated by Gunther (6,267,007).

Re claim 1, as depicted in figs. 1 and 3, Gunther discloses a lever arm (3) fitted with a float (4), having a support (e.g., carrier part 1), and a bracket (2). Gunther discloses a signal transmitter (16) actuated by bracket (2).

Re claim 5, as depicted in figs. 1 and 2, Gunther discloses a support (10 which is remote from the signal transmitter (16).

3. Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Newman et al. (2005/0103103).

Re claim 1, as depicted in 6, Newman et al. discloses a lever arm (A) fitted with a float (F), having a support (e.g., pivot base 203), and a bracket (e.g., magnetic hub 205).

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Gunther discloses a signal transmitter (e.g., hall sensor 208) actuated by bracket (e.g., magnetic hub 205).

Re claim 5, Newman et al. a lever wire (A) arrange on a side of a support (e.g., pivot base 203), which is remote from the signal transmitter (208)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman et al. (2005/0103103).

Re claims 2 and 3, Newman et al. discloses a bracket (e.g., magnetic hub 205). While Newman et al. lacks the detail of the bracket having two limbs, Newman et al. discloses a bearing support (e.g., pivot base 203) having two latch features (214) that are integrally connected to the bracket (e.g., magnetic hub 205). Furthermore the bracket (e.g., magnetic hub 205) serves the same purpose of activating a signal transmitter (208). Therefore, to employ Newman et al. on a two limbs would have been obvious to one of ordinary skill in the art at the time of the invention since this reference explicitly teaches a bracket designed for the purpose of actuating a signal transmitter.

Re claim 4, as depicted in fig. 6, Newman et al. a encapsulant (202) that acts as a damper to reduce mechanical shock (Pg. 4, par. 54) and is in a recess of the bearing.

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Re claim 6, Newman et al. discloses an encapsulant (202) that acts as a damper to reduce mechanical shock (Pg. 4, par. 54). While Newman et al. lacks the detail of two vibration dampers, the vibration damper Newman et al. provides the same expected results of damping vibrations. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960), duplicating the components of a prior art device is a design consideration within the skill of the art. Therefore, to employ Newman et al. on a two vibration dampers would have been obvious to one of ordinary skill in the art at the time of the invention since this reference explicitly teaches a vibration damper.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamiko D. Bellamy whose telephone number is (571) 272-2190. The examiner can normally be reached on Monday - Friday 7:30 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tamiko Bellamy

T.B.
September 30, 2006

10/2/06
THOMAS P. NOLAND
PRIMARY EXAMINER
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Thomas Noland